

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TEXAS GUARANTEED STUDENT)	
LOAN CORPORATION,)	CIVIL ACTION NO.
Plaintiff,)	
V.)	06-CV-11495(WHP)
)	
MERCER STREET BOOKS, INC.,)	
Defendant.)	February 11, 2008

AMENDED MOTION FOR JUDGMENT UPON DEFAULT

Pursuant to Fed. R. Civ. P. 55(b)(2), Local Civil Rule 55.2(b) and the Individual Practices of Judge William H. Pauley III ("Chambers Rules"), the Plaintiff, Texas Guaranteed Student Loan Corporation ("Plaintiff") in the above-captioned action respectfully requests that judgment be entered against the Defendant, Mercer Street Books, Inc. ("Defendant"), for failure to appear or defend this action. In support of this amended motion, Plaintiff would show the following:

1. A default was entered against the Defendant on November 30, 2007 for failure to appear in this action. The Clerk's Certificate is attached hereto and incorporated herein as Exhibit 1. To date, the Defendant has not appeared or otherwise defended in this action.
2. The Defendant has failed to respond to the Plaintiff's claim, as stated in the Plaintiff's Complaint, which is annexed hereto as Exhibit 2.

3. This motion includes a demand for damages, which is supported by the Affidavit of Kaye Worrell ("Affidavit of Debt"), which attests to the sum certain amounts due to the Plaintiff. The Affidavit of Debt is attached hereto and incorporated herein as Exhibit 3.

4. As set forth in the Affidavit of Debt, as of the date of this amended motion, Defendant owes Plaintiff a total of \$9,625.02 (the "Debt"). The Debt includes principal, interest and collection costs.

5. The damages sought herein includes a demand for reasonable attorneys fees, as stated in the Complaint. As demonstrated by the Affidavits of Attorneys' Fees attached hereto as Exhibits 4 and 5, Plaintiff has incurred attorneys fees and costs totaling \$21,094.97 to prosecute this action.

6. Therefore, the total damages sought herein, which amount includes the Debt (\$9,625.02) and the attorneys fees (\$21,094.97), totals \$30,719.99.

7. Annexed hereto, as Exhibit 6, is the Affidavit of Jessica Grossarth submitted pursuant to the Chambers Rules and in support of this amended motion.

8. Pursuant to Local Civil Rule 55.2(b), the undersigned submits a proposed form of default judgment, which is annexed hereto as Exhibit 7.

WHEREFORE, Plaintiff respectfully requests that judgment enter against Defendant in this matter in the total amount of \$30,719.99.

Respectfully submitted,
PULLMAN & COMLEY, LLC

By: /s/ Jessica Grossarth
Keith N. Costa
Jessica Grossarth (JG1138)
850 Main Street, P.O. Box 7006
Bridgeport, CT 06601-7006
203-330-2215 Fax 203-576-8888
ATTORNEYS FOR PLAINTIFF
Texas Guaranteed Student Loan Corporation

CERTIFICATION

I hereby certify that on February 11, 2008, a copy of the foregoing was sent by first class, U.S. Mail, to:

Mercer Street Books, Inc.,
c/o Wayne T. Conti
206 Mercer Street
New York, New York 10012

Carol Calhoun
46 Carmine Street
New York, NY 10014

/s/ Jessica Grossarth
Jessica Grossarth

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